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8	NOT FOR CITATION		
9	IN THE UNITED STATES DISTRICT COURT		
10	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
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12	WILLIE PAUL VIGIL, JR.,) No. C 09-00704 JF (PR)		
13	Petitioner,) ORDER OF DISMISSAL; GRANTING MOTION FOR LEAVE TO PROCEED		
14	vs.) IN FORMA PAUPERIS		
15	JAMES A. YATES, Warden,		
16	Respondent.		
17) (Docket No. 6)		
18	On Fahmany 19, 2000. Detitionen a California missuan filad this mus sa natition		
19	On February 18, 2009, Petitioner, a California prisoner, filed this <u>pro se</u> petition		
20 21	for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 1998 conviction, in Santa Clara County Superior Court. Petitioner challenged this same conviction in a		
22	prior petition filed in this court, <u>Vigil v. Garcia</u> , No. 02-1490 MJJ (PR), which was denied		
23	on its merits. A second or successive petition challenging the same conviction or parole		
24	denial may not be filed in this court under 28 U.S.C. § 2254 unless Petitioner first obtains		
25	from the United States Court of Appeals for the Ninth Circuit an order authorizing this		
26			
27	¹ Two previous habeas petitions, also challenging the same conviction, were dismissed as a successive petitions pursuant to 28 U.S.C. § 2244(b)(3)(A). See Vigil v. Yates, No. 07-2061 MJJ (PR) and Vigil v. Yates, No. 07-5288 MJJ (PR).		
28			
	Order of Dismissal; Granting IFP P:\PRO-SE\SJ.JF\HC.09\Vigil00704_dism-succ.wpd		

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court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Petitioner has filed herein a copy of his January 7, 2009, application to the Ninth Circuit to file a successive petition under 28 U.S.C. § 2244(b)(3)(A), (see Docket No. 2), but Petitioner has not obtained authorization to do so. Accordingly, the instant petition is DISMISSED without prejudice to refiling if petitioner obtains the necessary order from the Ninth Circuit. Petitioner's motion for leave to proceed in forma pauperis (Docket No. 6) is GRANTED. This order terminates Docket No. 6. The Clerk shall close the file. IT IS SO ORDERED. 6/24/09 DATED: _ United States Distract Judge

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF CALIFORNIA

WILLIE PAUL VIGIL JR.,	Case Number: CV09-00704 JF	
Petitioner,	CERTIFICATE OF SERVICE	
V.		
JAMES A. YATES, Warden,		
Respondent.	/	
I, the undersigned, hereby certify that I an Court, Northern District of California.	n an employee in the Office of the Clerk, U.S. District	
attached, by placing said copy(ies) in a po	_, I SERVED a true and correct copy(ies) of the stage paid envelope addressed to the person(s) lope in the U.S. Mail, or by placing said copy(ies) into in the Clerk's office.	
Willie Paul Vigil K-90947 Pleasant Valley State Prison P.O. Box 8501 Facility A-4-135-U Coalinga, CA 93210		
Dated:	Richard W. Wieking, Clerk	